

CHAPTER 89 SPECIAL FLIGHT PERMIT WITH CONTINUING AUTHORIZATION TO CONDUCT FERRY FLIGHTS

Section 1 Background

1. PTRS ACTIVITY CODES

A. *Maintenance*: 3404

B. *Avionics*: 5404

3. OBJECTIVE. This chapter provides guidance for evaluating an application to amend operations specifications for a special flight permit to conduct ferry flights.

5. GENERAL

A. *Definition*: Damaged aircraft - An aircraft that has sustained physical damage or has inoperative/malfunctioning equipment.

B. *Issuance*. The authorizing statute, FAR § 21.197(c), does not automatically authorize the issuance of permits to all eligible operators. Therefore, an eligible operator's operations specifications will be used to authorize the permits and to ensure responsible utilization of the permit.

C. *Eligibility*

(1) The special flight permit is issued only to operators subject to the following:

- Subpart L of FAR Part 121
- Subpart I of FAR Part 127
- The sections of Subpart J of FAR Part 135 specified by FAR § 135.411(a)(2) or (b)

NOTE: Operators subject to FAR § 135.411(a)(1) are not eligible.

(2) Aircraft involved in an accident or incident may not be ferried prior to notifying the FAA accident coordinator.

(3) An Airworthiness Directive (AD) may dictate that safety demands further limitations. The AD may limit ferry flights under FAR § 21.197 to those specifically approved by the FAA.

(4) FAR § 39.3 provides that no person may operate an aircraft to which an AD applies except in accordance with the requirements of that AD. Therefore, if an AD requires compliance before further flight, with no provision for the issuance of special flight permit, the operation of the specified aircraft would not be permitted.

D. *Manual Review*

(1) The operator may consider certain conditions and limitations necessary to facilitate the inspection and operation of an aircraft. These conditions should be included in the operator's manual.

(2) When reviewing manual materials, the following items should be considered:

- (a) Technical data
- (b) Operational equipment necessary for safe operation of the aircraft
- (c) Aircraft weight limits
- (d) Fuel distribution limits
- (e) Center of gravity limits
- (f) Aircraft maneuver limitations

(g) Flight equipment usage limitations, e.g., autopilot, etc.

(h) Airspeed limits

(i) Meteorological limits, including:

- Conditions to be avoided
- Required inspections when these conditions are encountered
- Weather minimums

E. *Authorization for Ferry Flights with one Engine Inoperative.* FAR Part 121/135.411(a)(2) operators may conduct a ferry flight of a four-engine airplane or a turbine engine-powered airplane equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine. The following restrictions will apply:

(1) The particular airplane model must have had a test-flight conducted with an engine inoperative in accordance with performance data contained in the applicable airplane flight manual

(2) The approved airplane flight manual must contain the performance data, in accordance with FAR § 91.611

(3) The operator's manual must contain operating procedures for the safe operation of the airplane, including the specific requirements listed in FAR § 91.611

(4) The operator may not depart an airport where the initial climb-out is in thickly-populated areas or the weather conditions at the takeoff or destination airport are less than those required for Visual Flight Rules (VFR) flight

(5) Only required flight crewmembers can be carried aboard during this ferry flight

(6) The required flight crewmembers must be thoroughly familiar with the company's operating procedures and the airplane Approved Flight Manual for one-engine-inoperative ferry flights.

7. APPLICATIONS INVOLVING FOREIGN AIR TRANSPORTATION. Special Airworthiness Certificate, FAA Form 8130-7, prohibits an aircraft to fly "over any foreign country without the special permission of that country." This requirement was placed on FAA Form 8130-7 because the form is used under FAR § 21.197(a) and(b) for other purposes beyond flight to a base for repairs. When issued for one of these purposes, the United States is obligated to ensure U.S.-registered aircraft have standard airworthiness certificates. Therefore, the aircraft cannot be flown over any foreign country without the special permission of that country.

A. The only exception recognized in ICAO Annex 8 is the temporary loss of airworthiness due to damage to the aircraft. In this case, damaged aircraft refers to inoperative or malfunctioning equipment as well as physical damage to the aircraft. In such an event, Part II, Section 6.2.2, recognizes that the country of registry may allow the aircraft to be ferried to a where it can be restored to an airworthy condition.

B. Since Annex 8 provides for this flight situation, a FAR Part 121/135 certificate holder engaged in foreign air transportation is not required to obtain permission to fly over, into, or out of foreign countries when exercising the provision of a special flight permit with continuing authorization to conduct ferry flights for purposes of repair.

NOTE: This authorization does not extend to situations specified in FAR § 21.197, which involve flying an undamaged aircraft to a base where alterations will be performed.

9. DISPLAY OF PERMIT. The operator must display in the aircraft the current airworthiness certificate, including a special flight permit or authorization. The operator must carry either the operations specifications or portions of the certificate holder manual containing a restatement of the permit with those conditions and limitations imposed by the Administrator.

11. FACSIMILE (FAX) TRANSMISSION OF SPECIAL FLIGHT PERMITS. At the request of the applicant, a special flight permit may be transmitted via FAX equipment using the sample format of the telegraphic special flight permit described in FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Approvals, as amended.

A. The permit must include any additional operating limitations that may be required and must be displayed in the aircraft in accordance with FAR § 91.203 prior to conducting the special flight.

B. Sometimes the time normally required for postal delivery of FAA Form 8130-7, Special Airworthiness Certificate, may be too long. The transmission of a special flight permit via FAX allows an aircraft to be moved when the flight cannot be delayed.

C. FAX-transmitted special flight permits are to be used only for the following purposes:

- Flying the aircraft to a base where repairs, alteration, or maintenance are to be performed or to a point of storage

- Evacuating aircraft from areas of impending danger

NOTE: FAA Form 8130-7, Special Airworthiness Certificate, must not be transmitted by FAX.

D. FAA offices having FAX equipment capable of sending messages collect will advise the applicant that payment for the FAX special flight permit must be made at the receiving location. If the FAX equipment at the FAA office is not capable of sending messages collect, the applicant may pick up the completed and signed FAX special permit at the FAA office and transmit it by another FAX machine at the applicant's discretion.

(1) The cost of a 2-minute telephone call for FAX transmission may be considered part of the office's routine telephone business.

(2) Each office should use the FAX transmission method that is most cost-effective and advantageous for that office.

Section 2 Procedures

1. PREREQUISITES AND COORDINATION REQUIREMENTS

A. Prerequisites

- Knowledge of the regulatory requirements of FAR Parts 21, 39, 91, 121, and 135
- Successful completion of the Airworthiness Inspectors Indoctrination Course or equivalent

B. *Coordination.* This task requires coordination between the assigned principal inspectors.

3. REFERENCES, FORMS, AND JOB AIDS

A. References

- FAR §§ 21.197, 21.199, 39.3, 91.203, 91.611, and 135.411(a)(2)
- International Civil Aviation Organization (ICAO) Annex 8

B. Forms

- FAA Form 8400-8, Operations Specifications

C. Job Aids

- Automated operations specifications checklists and worksheets

5. PROCEDURES

A. *Verify the Operator's Application.* Ensure that the operator has applied for an operations specifications amendment with the district office in charge of inspecting its overall operation.

B. *Verify that the Aircraft is Capable of Safe Flight.* The aircraft does not have to meet all airworthiness requirements.

C. *Review the Operator's Manual*

(1) Ensure that the manual has the following procedures for ferry flights:

(a) Provisions for conveying the authorization to ferry to the operating crew

(b) A system for recording each flight conducted under this authorization

(c) Procedures to determine that the proposed special flight complies with the Federal Aviation Regulations and is not prohibited by any Airworthiness Directives (ADs)

(d) Procedures to allow additional crewmembers and other authorized persons to be carried aboard the aircraft during ferry flights when the aircraft flight characteristics have not been appreciably changed or its operation in flight substantially affected

(e) Procedures to ensure the display of the current airworthiness certificate and any special flight permit or authorization

(f) Procedures to ensure the review of the following items prior to releasing the ferry flight:

- Technical data to which the aircraft must perform

- Operational equipment necessary for safe operation of the aircraft

- Aircraft weight limits

- Fuel distribution limits

- Center of gravity limits

- Aircraft maneuver limitations

- Equipment usage limitations, e.g., autopilot

- Airspeed limits

- Meteorological limits, including conditions to be avoided, inspections required should these conditions be encountered inadvertently, and weather minimums

(2) For one engine-inoperative ferry flights, ensure the following:

(a) The operator has a four-engine airplane or a turbine engine-powered airplane equipped with three engines

(b) The applicable airplane has been previously test-flown with one engine inoperative in accordance with its approved Airplane Flight Manual. The approved Airplane Flight Manual must contain the following data:

- Maximum weight
- Configuration of the inoperative propeller, if applicable
- Runway length for takeoff, including temperature accountability
- Altitude range
- Certificate limitations
- Ranges of operational limits

- Performance information
- Operating procedures

(3) The operator's manual must include the following:

- A limitation that the operating weight on any ferry flight must be the minimum necessary with the necessary reserve fuel load
- A limitation that takeoffs must be made from dry runways unless, based on a showing of actual runway operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the approved Airplane Flight Manual
- Procedures for operations from airports in which the runways may require a takeoff or approach over populated areas
- Inspection procedures for determining the operating conditions of the operative engines

- A restriction that no person may takeoff from an airport in which the initial climb is over thickly-populated areas or weather conditions at the takeoff and destination airport are less than those required for Visual Flight Rules (VFR) flight

- Procedures that ensure carrying only essential flight crewmembers aboard the airplane during the ferry flight
- Procedures that ensure flight crewmembers are thoroughly familiar with the operator's operating procedures and the approved Airplane Flight Manual for one engine-inoperative ferry flights

D. Notify the FAA Accident Coordinator Prior to any Authorization of an Aircraft Involved in an Accident or Incident

7. TASK OUTCOMES

A. File PTRS Transmittal Form

B. Successful completion of this task will result in issuance of operations specifications paragraph D84.

C. Document Task. File all supporting paperwork in the operator's office file.

9. FUTURE ACTIVITIES. Normal surveillance.

